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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
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Agenda item 15

CONTEMPORARY FORMS OF SLAVERY

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Ms. Forero Ucros, Mr. Gavrilescu, Ms. Gwanmesia, Mr. Hakim,
Mr. Joinet, Ms. Koufa, Ms. Warzazi and Mr. Yimer:
draft resolution

1995/.. Report of the Working Group on Contemporary Forms of Slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its twentieth session (E/CN.4/Sub.2/1995/28 and Add.1), and in particular the recommendations contained in chapter VI,

Deeply concerned at the information it contains relating to the traffic in persons and the exploitation of the prostitution of others, the sale of children, child prostitution and child pornography, the exploitation of child labour, debt bondage, illegal adoptions, the alleged practice of removal of organs and the situation of migrant workers,

Noting that the status of ratification of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices

Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 is still unsatisfactory,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery for its valuable work and in particular for its continued broad approach and flexible methods of work;

I. SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

A. Special Rapporteur on the sale of children, child prostitution and child pornography

2. Expresses its deep appreciation to Mr. Vitit Muntarbhorn for his excellent work and the outstanding reports he submitted to the Commission on Human Rights and the General Assembly, and welcomes the appointment of Mrs. Ofelia Calcetas-Santos as the new Special Rapporteur on the sale of children, child prostitution and child pornography;

3. Takes note of the information on these problems submitted by the participants at the twentieth session of the Working Group, and requests the Centre for Human Rights to transmit the information to the Special Rapporteur, along with the recommendations relating to her mandate;

4. Requests the Special Rapporteur, within the framework of her mandate, to continue to pay attention to issues relating to trafficking in children, such as alleged transplantation of organs, disappearances, the purchase and sale of children, adoptions for commercial purposes or exploitation and child prostitution;

5. Invites the Special Rapporteur to participate in the twenty-first session of the Working Group;

B. Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

6. Decides to transmit the report of the Secretary-General on the status of implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography (E/CN.4/Sub.2/1995/29 and Add.1) to the Commission on Human Rights for its consideration;

7. Requests the Secretary-General to invite all States to continue to inform the Working Group of measures adopted to implement the Programme of Action;

8. Encourages all Governments to consider, in the context of the Programme of Action, the creation of programmes aimed at the social rehabilitation of all victims of trafficking, prostitution and pornography, in particular children, and requests international cooperation for establishing and implementing such programmes;

C. Trafficking in organs

9. Requests the Secretary-General to invite again all Governments, United Nations organizations and bodies, including the United Nations Children's Fund, the specialized agencies, in particular the World Health Organization, the International Criminal Police Organization and all relevant non-governmental organizations, including scientific and medical associations, to pursue their investigation of allegations that children are victims of, or even killed for, the removal of organs for the purposes of commercial transplants and to indicate any measures taken to counteract this practice wherever it exists, and to present a report to the Working Group at its next session;

10. Recommends that the Commission on Human Rights designate an expert to investigate and prepare a study on allegations regarding the removal of organs and tissues of children and adults for commercial purposes;

11. Encourages the World Health Organization to continue to pay special attention to the issue by, in particular, updating its Guiding Principles on Human Organ Transplantation;

12. Expresses its concern that in some States non-therapeutic research may be conducted on and removal of tissue may be permitted from minors and mentally ill patients on the basis of surrogate consent, in violation of the provisions of article 7 of the International Covenant on Civil and Political Rights;

13. Decides to continue to examine this matter at its forty-eighth session and to consider the advisability of drafting, with the cooperation of the World Health Organization, United Nations standards to ensure protection against unlawful organ transplants;

II. ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR

14. Requests the Secretary-General to invite States to inform the Working Group of measures adopted to implement the Programme of Action on the Elimination of the Exploitation of Child Labour and to submit a report thereon to the Sub-Commission at its forty-eighth session and to the Commission at its fifty-third session;

15. Considers that a study on the exploitation of child labour and debt bondage is of great importance;

16. Urges all States, while attempting ultimately to eliminate the phenomenon of child labour, to adopt measures and regulations to ensure that their labour is not exploited and to prohibit their labour in hazardous occupations;

III. ERADICATION OF DEBT BONDAGE

17. Takes note with satisfaction of the promulgation by States of laws against debt bondage, and appeals to Governments to adopt all the necessary measures to implement and follow up the implementation of such laws;

18. Requests the specialized agencies, in particular the financial institutions of the United Nations system, to ensure that the projects they support do not use or in any way promote bonded labour;

19. Recommends that trade unions at the local, national and international levels utilize the existing structure of the International Labour Organization dealing with violations of the conventions concerning forced labour, and encourages concerned non-governmental organizations to strengthen their activities for disseminating information and advising trade unions in this regard;

20. Urges all countries to ensure that bonded labour is not used to produce the goods they import or export;

IV. PREVENTION OF TRAFFIC IN PERSONS AND EXPLOITATION OF THE PROSTITUTION OF OTHERS

21. Welcomes the convening of the World Congress against Commercial Sexual Exploitation of Children, to be held at Stockholm from 26 to 31 August 1996, organized by the Government of Sweden, United Nations Children's Fund, End Child Prostitution in Asian Tourism and the NGO Group for the Convention on the Rights

of the Child, and invites Governments to participate fully in the planning of the World Congress;

22. Recommends that the Commission on Human Rights adopt the draft programme of action for the prevention of trafficking in persons and the exploitation of the prostitution of others (E/CN.4/Sub.2/1995/28/Add.1);

23. Also recommends that Governments prohibit the advertising or publicizing of sex tourism and that they not facilitate other commercial activities involving sexual exploitation;

24. Encourages Governments to establish specific projects for the protection of the victims of traffic in persons and of prostitution from the risk of infection with the HIV virus and the spread of AIDS;

25. Urges States to introduce and reinforce education programmes alerting children to the risks of sexual exploitation and the consequences for individuals and for society of such exploitation;

26. Recommends that States, non-governmental organizations, tourism industry syndicates, religious leaders and grass-roots organizations take urgent measures designed to protect minors from exposure to or involvement in child pornography, and requests the Secretary-General to invite States to provide information on measures taken or already applicable in this regard;

27. Also recommends that national institutions for the prevention of prostitution be established in all States in order to assist in the rehabilitation and reintegration of victims of prostitution;

V. MIGRANT WORKERS

28. Considers that the situation of migrant workers has deteriorated;

29. Urges States to ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

30. Strongly condemns practices of unequal treatment of migrant workers and the denial to them of minimum human consideration and dignity;

31. Recommends to non-governmental organizations, in the framework of their activities, to give attention to the grave problems affecting migrant workers and to provide information to the Working Group in this regard;

VI. INCEST

32. Welcomes the decision of the Working Group to include this item in the provisional agenda for the twenty-first session and to consider ways to combat incest and sexual abuse of children inside the family, and emphasizes the urgent need for adequate help to be offered to victims of such practices;

33. Urges Governments to make confidential facilities available for children to make disclosures of the situation and to obtain advice;

34. Urges Member States to take adequate steps to punish suitably the perpetrators of this most heinous offence;

VII. FORCED LABOUR

35. Considers that forced labour is a contemporary form of slavery;

36. Welcomes the decision of the Working Group to include this item in the provisional agenda for the twenty-first session;

VIII. ILLEGAL ADOPTIONS

37. Welcomes the decision of the Working Group to include this item in the provisional agenda for the twenty-first session;

IX. MISCELLANEOUS

38. Decides to transmit the information received concerning the sexual exploitation of women and other forms of forced labour during wartime to the Special Rapporteurs on the question of impunity of perpetrators of violations of human rights, and recommends that the Special Rapporteurs take into consideration the information on this question received by the Working Group during its twentieth session;

39. Welcomes the information from the Government of Japan regarding its action in relation to the issue of women sex slaves during the Second World War, seeing those measures as useful steps towards the solution of outstanding complaints regarding activities of Japanese military forces before September 1945;

40. Considers that the prompt establishment of a Japanese administrative tribunal to deal with persons who suffered maltreatment, in particular subjection to treatment akin to slavery, would effectively settle such grievances;

41. Recalls the recommendations adopted by the Working Group at its nineteenth session (E/CN.4/Sub.2/1994/33, Chap. VI), in particular recommendation 13, paragraphs 1 to 4, and draws the attention of the parties concerned to the

possibility of making agreements on voluntary submission to a settlement mechanism;

42. Appeals to all Governments to send representatives to the meetings of the Working Group;

43. Requests the Secretary-General to seek the views and suggestions of Member States and of intergovernmental and non-governmental organizations on proposals for future action of the Working Group with a view to the consideration of their replies by the Working Group at its forthcoming sessions;

44. Encourages youth organizations and young persons from various non-governmental organizations to participate in the meetings of the Working Group;

45. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining periodic reports of States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, and to include in their guidelines an item concerning contemporary forms of slavery;

46. Also recommends that the supervisory bodies of the International Labour Organization and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

47. Requests the Secretary-General to transmit to the Committees mentioned above, the Special Rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights the recommendations of relevance to them contained in the report of the Working Group;

48. Draws the attention of the Fourth World Conference on Women, to be held in Beijing in September 1995, to the work of the Working Group, in particular on issues involving women and girl children;

49. Welcomes the decision of the Secretary-General to reassign to the Working Group a Professional staff member of the Centre for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Centre for Human Rights on issues relating to contemporary forms of slavery, prepare documentation well in advance and facilitate the attendance at the Working Group's sessions of the largest possible number of intergovernmental and non-governmental organizations with competence in the fields examined;

50. Again requests the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities and the dissemination of information within the United Nations system for the suppression of contemporary forms of slavery and to report on the measures taken for that purpose to the Commission on Human Rights at its fifty-second session and to the Working Group at its twenty-first session;

51. Recalls the endorsement by the Commission on Human Rights and the Economic and Social Council of the proposal made by the Working Group on Contemporary Forms of Slavery requesting the General Assembly to declare 2 December, the date of adoption of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, "International Day for the Abolition of Slavery in all its Forms";

52. Notes that the Economic and Social Council, in its resolution 1993/48 of 28 July 1993, approved the endorsement by the Commission on Human Rights of the recommendation made by the Sub-Commission in its resolution 1992/2 of 14 August 1992 that arrangements regarding the organization of the sessions of the Working Group, as contained in Commission decision 1992/115 of 3 March 1992, be repeated in subsequent years;

53. Recommends that the Commission make provision for adequate discussion of the issue of contemporary forms of slavery and of the Working Group's report near the beginning of each session, thereby strengthening its involvement in the activities of the Working Group on Contemporary Forms of Slavery.

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